

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANDREW FITCH, RICHARD
D’ALESSANDRO, and MICHELLE
HUTCHISON, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

GIANT EAGLE, INC. d/b/a
GETGO CAFÉ + MARKET

Defendant.

**Consolidated Civil Action No.
2:18-cv-001534-DSC-CRE**

**THIS MOTION RELATED TO
THE *JONES* ACTION**

JORDAN JONES, ROBERT LEMUS and
JASON REED, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

GIANT EAGLE, INC.

Defendant.

GIANT EAGLE, INC.’S PARTIAL MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and for the reasons set forth in the accompanying Memorandum, Defendant Giant Eagle, Inc. (“Giant Eagle”) hereby moves for summary judgment in its favor on the First, Third, and Fourth Causes of Action in the Second Amended Complaint in the *Jones* Action, because Giant Eagle has properly classified its department Team Leaders as exempt executives under the Fair Labor Standards Act (“FLSA”), Plaintiffs cannot fairly call into question Giant Eagle’s classification of their positions as exempt, and therefore pursuant to Department of Labor regulations and Third Circuit caselaw, Plaintiffs have no claims against Giant Eagle for unpaid overtime under the FLSA, or related state acts, as a matter of law.

Further, Plaintiffs Amanda Frawley, Samantha Bosma, Danielle Graham-Robinson, Heather Gilkey, Andre Christian, and Jason Reed all admitted specific facts in their depositions that independently warrant summary judgment for Giant Eagle as to their claims. Accordingly, in the alternative, Giant Eagle moves for summary judgment in its favor on the First, Third, and Fourth Causes of Action as to Amanda Frawley, Samantha Bosma, Danielle Graham-Robinson, Heather Gilkey, Andre Christian, and Jason Reed.

Dated: January 21, 2020

Respectfully submitted,

/s/ Brian C. Hill

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Counsel for Defendant Giant Eagle, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on January 21, 2020, a true and correct copy of the foregoing was electronically filed and served via operation of the Court's CM/ECF system, which will automatically send e-mail notification of such filing to the attorneys of record entitled to notice who are registered users of ECF.

/s/ Brian C. Hill

Brian C. Hill